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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,304	12/19/2001	Rongxiang Hu	01-377/LSIIP180	3359

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LSI LOGIC CORPORATION
1621 BARBER LANE
MS D-106, LEGAL DEPARTMENT
MILPITAS, CA 95035

EXAMINER

TRINH, HOA B

ART UNIT PAPER NUMBER

2814

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,304

Applicant(s)

HU ET AL.

Examiner

Vikki H Trinh

Art Unit

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species I, claims 1-5, 10-16, in Paper No. 7 is acknowledged.
2. Claims 6-9, 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-3, 10-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art (APA), specification, pages 3-4, and figures 1-4.

APA discloses a method having the following steps:

As to claim 1, etching a first aperture in the dielectric 202 (step 116); forming a poison barrier layer 212 over part of the dielectric (step 114), which prevents resist poisoning; forming a patterned mask 220 over the poison barrier layer 204 (step 108); and etching a second aperture 304 into the low-K dielectric layer 204 (step 136), wherein at least part of the first aperture 304, 416 shares the same area as at least part of the second aperture 304, 416. See figures 1-4.

As to claim 2, one aperture 304 is within another aperture 416. See figure 4.

As to claim 3, the first aperture is a via 304 and the second aperture is a trench 416 wherein the via is within the trench. See figure 4.

As to claim 10, the dielectric is a low-K dielectric. See page 3, lines 11-15.

As to claim 11, placing a copper diffusion barrier layer over surfaces of the first aperture and second aperture (step 152). See figure 1.

As to claim 12, filling the first aperture and second aperture with copper (step 152). See figure 1.

As to claim 13, one aperture 304 is within another aperture 416. See figure 4.

As to claim 14, the first aperture is a via 304 and the second aperture is a trench 416, wherein the via is within the trench. See figure 4.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 4-5, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Chooi et al. (6,436,824).

APA discloses the invention substantially as claimed. However, APA does not teach that the forming of the barrier layer comprises plasma treating surfaces of the aperture.

Chooi et al. (6,436,824) teaches a method for forming a dual damascene with copper, the method having the step of providing a barrier layer(silicon carbide) by plasma enhanced CVD which oxidizes the surface of the aperture of the dual damascene, thereby neutralizing the nitrogen on the surface. See column 3, lines 10-25.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the barrier layer of APA with the plasma process step, as taught by Chooi et al., so as to reduce the dielectric constant and to maintain the surface of the dual damascene. See column 2, lines 35-40.

The courts have concluded that there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). Also, references are evaluated by

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what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969).

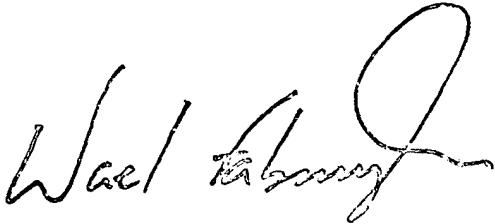
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loptain et al. (6,528,884) and Ngo et al. (6,482,755) each teaches a method for forming a dual damascene. See entire document.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.


Vikki Trinh,
Patent Examiner
AU 2814


SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2000